

Before Final - Official

Practitioner's Docket No.: 868_007

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Teruo NISHIDA, Yorihisa UETAKE and Hiroaki IWATA

Ser. No.: 10/540,446

Art Unit: 1651

371(c) Date: May 8, 2006

Examiner: Thane E. Underdahl

Confirmation No.: 4642

For: OPHTHALMOLOGICAL COMPOSITION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EFS CERTIFICATE OF TRANSMISSION

I hereby certify that this paper is being transmitted via EFS
to the Patent and Trademark Office on *July 17, 2008*.


Janet M. Stevens

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action mailed June 23, 2008, applicants hereby provisionally elect, with traverse, to prosecute the claims of Group I (claims 1-7) in this application.

However, applicants respectfully traverse the restriction requirement since the subject matter of claims 1 - 8 is sufficiently related that a thorough and complete search for the subject matter of the elected claims would necessarily encompass a thorough and complete search for the subject matter of the non-elected claims. Thus, it is respectfully submitted that search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is clearly stated that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner

must examine it on the merits." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to applicants and improper duplicative examination by the Patent Office.

If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,



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